

Vanessa R. Waldref  
United States Attorney  
Eastern District of Washington  
Courtney R. Pratten  
Assistant United States Attorney  
402 E. Yakima Ave., Suite 210  
Yakima, WA 98901  
Telephone: (509) 454-4425

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, ) NO: 1:24-CR-2006-SAB-1  
vs. )  
Plaintiff, )  
CHARMMORRO VIJAY STROTHERS, ) GOVERNMENT'S  
Defendant. ) OBJECTION TO  
 ) PRESENTENCE  
 ) INVESTIGATION REPORT  
)  
)

Plaintiff, United States of America, by and through Vanessa R. Waldref, United States Attorney for the Eastern District of Washington, and Courtney R. Pratten, Assistant United States Attorney, submits the following objection to the Presentence Investigation Report (“PSIR.”)

1                   **Paragraph 31:**

2                   A two-level increase to the base offense level for Defendant's use of  
 3 sophisticated means in executing the charged conduct is applicable to the facts of  
 4 this case pursuant to § 2B1.1(b)(10)(C). *See United States v. Tanke*, 743 F.3d 1296,  
 5 1307 (9th Cir. 2014) (upholding sophisticated means enhancement where  
 6 defendant engaged in “dozens of various acts,” including falsifying invoices and  
 7 checks, to conceal payments); *U.S. v. Jennings*, 711 F.3d 1144, 1145 (9th Cir.  
 8 2013) (upholding a sophisticated means enhancement for using a bank account  
 9 with a deceptive name to conceal income and stating that conduct need not involve  
 10 “highly complex schemes or exhibit exceptional brilliance” to warrant the  
 11 enhancement); *see also United States v. Horob*, 735 F.3d 866, 872 (9th Cir. 2013)  
 12 (per curiam) (affirming application of the sophisticated means enhancement where  
 13 defendant falsified documents and left a “complicated and fabricated” paper trail  
 14 that made it hard to uncover his fraud).

15                   The sophisticated means enhancement is applicable to cases where the  
 16 conduct at issue involves “especially complex or especially intricate offense  
 17 conduct pertaining to the execution or concealment of an offense.” U.S.S.G. 2B1.1,  
 18 Application Note 9(B).

19                   When a court is determining the applicability of sophisticated means, it is  
 20 necessary to engage in findings of fact. *See United States v. Ford*, 989 F.2d 347,  
 21 28

1 351 (9th Cir.1993). *Tanke* acknowledged the district court's findings that  
2 extensive planning and level of concealment are some hallmarks indicating a  
3 scheme was executed by sophisticated means. *Tanke* at 1307.  
4

5 In the case at hand, Defendant participated in a scheme which required  
6 himself and others to: (1) obtain personally identifiable information (PII) and  
7 contact information (maiden name, cell phone number, town of residence) of a  
8 victim located in the Eastern District of Washington (EDWA); (2) make travel  
9 plans for Defendant that included flight arrangements and a rental car to meet the  
10 victim in the EDWA; (3) research a believable meeting location in EDWA that  
11 would not arouse victim's suspicion as to the legitimacy of the meeting; (4)  
12 research information about victim's hometown (such as the name and address of a  
13 local bail bondsman service); (4) spoof a phone call to victim so that the call  
14 appeared to originate from local law enforcement and the discovery of Defendant's  
15 scheme would be more difficult to detect; (5) obtain and convincingly use the  
16 name of a local member of law enforcement so that any efforts victim made to  
17 research the caller would result in her thinking she was actually talking to a  
18 member of law enforcement; and, (6) issue calculated false threats effective  
19 enough to convince the victim to turn over a large amount of money to Defendant.  
20

21 Defendant and his associates crafted the above-detailed plans to ensure they  
22 could successfully execute the charged fraud scheme – with each step aimed at  
23

concealment of the true nature of Defendant's interactions with the victim. While the scheme at hand was not necessarily complex or exceptionally brilliant, Ninth Circuit case law does require complexity or brilliance to uphold the application of the enhancement. What is clear from the facts of this case is the instant fraud scheme was a multi-step process that required planning, foresight, and research. Moreover, specific steps to conceal the scheme, such as executing it in a district in which the Defendant does not live, use of caller ID spoofing methods, and use of a local member of law enforcement's name and rank were taken and place this scheme at a level of complexity above a typical theft case.

Given the above, a two-level enhancement for use of sophisticated means is warranted.

Respectfully submitted this 23rd day of July 2024.

Vanessa R. Waldref  
United States Attorney

s/ Courtney R. Pratten  
Courtney R. Pratten  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF which will send notification of such filing to all counsel of record.

s/ Courtney R. Pratten  
Courtney R. Pratten  
Assistant United States Attorney  
United States Attorney's Office  
402 E. Yakima Ave., Suite 210  
Yakima, WA 98901  
(509) 454-4425  
Fax (509) 454-4435